

**REMARKS**

Applicant hereby traverses the outstanding rejections and request reconsideration and withdrawal in view of the remarks contained herein. Applicant has canceled claims 9, 16 and 19, and amended claims 1, 2, 5, 7, 8, 10-12, 15, 17, 18, and 20. Claims 1-8, 10-15, 17, 18 and 20 are pending in this application.

**Rejection of Claims under 35 U.S.C. § 102**

Claims 1-20 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Number 2003/0120550 A1 to Peyrelevade et al., (hereinafter "Peyrelevade"). It is well settled that to anticipate a claim, the reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he elements must be arranged as required by the claim," see M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim," see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicants respectfully assert that the rejection does not satisfy these requirements.

Claim 1, as amended, requires a communications link used to electronically distribute the latest version of data about a product to the reseller, where the timing of the distribution is controlled by the independent source. Peyrelevade, conversely, describes making modules containing product information available to one or more websites. See, Abstract. Peyrelevade discloses three methods by which the information in the module may be made available to the website. The modules may be transmitted on storage media, made available for download, or be made available to be linked. Paragraph 0035. The mechanisms for providing the information contained in the modules require action by the website operator or user in order to retrieve the latest version of the data. Peyrelevade does not disclose a source controlling the electronic distribution of the data, where the timing of the distribution is determined by the source. As the rejection of record does not show electronic distribution described in claim 1, all elements of claim 1 are not described in Peyrelevade, as required by § 102.

Claims 2-7 depend directly from base claim 1, and thus inherit all limitations of the base claim. Claims 2-7, therefore, set forth features and limitations not recited by Peyrelevade for at least the reasons set forth above.

Claim 8 requires delivering electronically from time to time, as determined by a source, updated information related to products from a database at the source location to a retailer's electronic site. As described with reference to claim 1, Peyrelevade's methods of distribution for its modules do not include the timing of the distribution of information determined by the source, but instead require the website to take some action to pull the information from the database holding the module. As the delivery mechanism of claim 8 is not disclosed by Peyrelevade, all elements of claim 8 are not present as required by the rejection of record.

Claim 9 has been canceled. Claims 10-14 depend directly from base claim 8, and thus inherit all limitations of the base claim. Claims 10-14, therefore, set forth features and limitations not recited by Peyrelevade for at least the reasons set forth above.

Claim 15, as amended to include the limitations of claim 16, requires a communications link ... responsive to a request for an electronic version of a user specified product, the product being specified in a transaction between the user and a reseller, the user accessing a database controlled by a source to provide the latest version of the product directly from the database. Peyrelevade only discloses providing modules with current product and marketing information. Peyrelevade does not disclose allowing a user to directly access an electronic version of a product from the source of the product. As accessing the latest version of a product directly from the source in response to a transaction between a user and a reseller is not shown in Peyrelevade, all of the elements of claim 15 are not present as required under §102.

Claim 16 has been canceled. Claim 17 depends directly from base claim 15, and thus inherits all limitations of the base claim. Claim 17, therefore, sets forth features and limitations not recited by Peyrelevade for at least the reasons set forth above.

Claim 18, as amended to include the limitations of claim 19, requires accepting a purchase order for a user selected product under the control of a source location, controlling

the delivery of the product to the user by the source location, and maintaining the commercial relationship between the user and the reseller. As stated above, Peyrelevade is only concerned with making updated product information available to websites. Peyrelevade does not disclose any means for completing a transaction, much less a transaction between a user and reseller where a source separate from the reseller delivers the product. As the delivery of the product by a source with maintaining the relationship between the user and reseller is not disclosed, all the elements of claim 18 are not shown as required under the rejection of record.

Claim 19 has been canceled. Claim 20 depends directly from base claim 18, and thus inherits all limitations of the base claim. Claim 20, therefore, sets forth features and limitations not recited by Peyrelevade for at least the reasons set forth above.

For at least the reasons set forth above, Applicants respectfully assert claims 1-8, 10-15, 17, 18 and 20 are patentable over the 35 U.S.C. § 102(e) rejection, and respectfully requests that a Notice of Allowance be issued in the above identified application.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 08-2025, under Order No. 100110484-1 from which the undersigned is authorized to draw.

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Date of Deposit: January 5, 2005

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Respectfully submitted,

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